

Murray Code Enforcement Board Minutes

October 2, 2007

The Murray Code Enforcement Board met in a regular scheduled meeting on October 2, 2007 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Matt Jennings, Thomas Rottinghaus, and Sam Underwood

Board Members Absent: Ben Blakely and Mitzi Key

Others Present: David Roberts, Dannetta Cossey, Captain Jimmy Potts, and Fire Marshal Dickie Walls.

Chairman Thomas Rottinghaus called the meeting to order and had an attendance roll call.

Approve Minutes from August 7, 2007 Meeting: Chairman Rottinghaus asked for approval of the August 7, 2007 minutes. **Sam Underwood made a motion to approve the August 7, 2007 minutes. Thomas Rottinghaus seconded the motion and it carried by a 3-0 voice vote.**

Default Case – Heidi Taylor: Chairman Rottinghaus called the default case to order and Dannetta Cossey read the case information. Chairman Rottinghaus stated that it was a violation of the Noise Control and since it was a default case the Board needed to set the fine. Chairman Rottinghaus asked that the record reflect that each Board member present recommended a \$100.00 fine. **Sam Underwood made a motion ordering the Respondent, Heidi Taylor to pay a civil fine in the amount of \$100.00 to the City of Murray. Matt Jennings seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – Khalid Mandell: Chairman Rottinghaus called the default case to order and Dannetta Cossey read the case information. Captain Jimmy Potts came forward and was sworn in. Captain Potts stated that he received a complaint about the lawn at 1510 Sandy Pine and that he mailed a citation on August 15, 2007 giving Mr. Mandell ten days from receiving citation to come into compliance. Captain Potts said he had a receipt that verifies Mr. Mandell signed for the citation on August 25, 2007 which means his ten days would have been up on September 4, 2007. At this time, Captain Potts submitted pictures as evidence. Mr. Underwood asked if anyone was living in the house. Captain Potts said the house was vacant. Chairman Rottinghaus asked how the property owner was known. Captain Potts said that was verified by the deed office. Chairman Rottinghaus asked if there had been any response from Mr. Mandell. Captain Potts said he had only received the receipt verifying that Mr. Mandell did receive the citation. Chairman Rottinghaus asked the board members to make their recommendations for the fine. Chairman Rottinghaus asked that the record reflect that the recommended fines suggested were \$1,000, \$500.00, and \$250.00 and the average of those are \$583.00. **Thomas Rottinghaus made a motion ordering the Respondent, Khalid Mandell to pay a civil fine to the City of Murray in the amount of \$583.00. Sam Underwood seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – James Hornbuckle: Chairman Rottinghaus called the default case to order and Dannetta Cossey read the case information. Fire Marshal Dickie Walls came forward and was sworn in. Mr. Walls stated that the original notice of violation was issued on July 12, 2005 to the Church of God in Christ and stated the structure was declared unsafe and unfit for human habitation and must be repaired or razed and removed. Mr. Walls said on August 11, 2005 he was informed that Mr. Hornbuckle had purchased the property. Mr. Walls stated that Mr. Hornbuckle did clean up around the property and cut vines but by the first of 2006 progress had ceased. On July 13, 2006, Mr. Walls stated that he spoke with Mr. Hornbuckle by telephone and was told the structure would be torn down in the next thirty days and spoke with him by telephone again on September 11, 2006 and Mr. Hornbuckle said he had gotten busy but promised it would be done. Mr. Walls stated at this time the yard had been mowed and weeds trimmed. On January 5, 2007 Mr. Walls sent a certified letter with a notice of violation stating that the structure was so dilapidated that partial or complete collapse was possible, unfit for human habitation and needed to be razed and removed. Mr. Walls said the certified letter was not signed for. At this time, Mr. Walls submitted photographs and the notice of violations as evidence. Mr. Walls stated on May 2, 2007 he sent another certified letter and notice of violation giving thirty days for structure to be razed and removed and the lot cleaned of all debris and Mr. Hornbuckle signed for that on May 4, 2007. Mr. Walls said at this time that Mr. Hornbuckle began making progress by removing weeds around the house, taking off the roof and rafters but by the end of June all progress had stopped. Mr. Walls said on August 15, 2007 he sent another notice of violation with the fine amount attached which was signed for by Mr. Hornbuckle's secretary on August 17, 2007. Mr. Walls submitted photographs taken on August 15, 2007 and October 2, 2007. Mr. Jennings and Mr. Underwood suggested that the Board assess a smaller fine and if the property is not in compliance within thirty days then the maximum fine be assessed. Chairman Rottinghaus asked the board members to make their recommendations for the fine. Chairman Rottinghaus asked that the record reflect the recommended fines suggested were \$200.00, \$500.00, and \$750.00 and the average of those is \$483.00. Chairman Rottinghaus asked if there were any safety issues in which the City needed to act on immediately. Mr. Walls answered that he did not feel it was to that level of safety concern. **Thomas Rottinghaus made a motion ordering the Respondent, James Hornbuckle to pay a civil fine to the City of Murray in the amount of \$483.00 within thirty (30) from receipt of the order and shall comply with the Code of Ordinances by correcting the violation within thirty (30) days from receipt of the order and in the event the violation is not corrected within the thirty (30) days, the civil fine shall be increased to \$4,700.00 and a citation for second offense issued. Sam Underwood seconded the motion and it carried by a 3-0 roll call vote.**

Being no further business, Thomas Rottinghaus made a motion to adjourn.

Chairman, Thomas Rottinghaus

Recording Secretary, Dannetta Cossey